CENTRAL INTELLIGENCE AGENCY

OFFICE OF THE DEPUTY DIRECTOR

Executive Registry

86- 6030

29 December 1986

NOTE FOR: [redacted]

Mort Abramowitz sent this to me.

Bob

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NOTE FOR: Chairman, NIC

STAT

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Bob: A piece we did which you might find of interest. Walt M.

DEALING WITH INSURGENTS: NEGOTIATIONS, TRUCES, AMNESTIES

In key countries throughout the world, governments try to negotiate with violent oppositions. In Colombia, the fragile understandings of several years of negotiation, ceasefire, and amnesty appear on the verge of shattering amid a staccato of death-squad assassinations. In the Philippines, the Aquino government's recently arranged ceasefire with the New People's Army remains a major political issue. El Salvador's guerrilla war has been punctuated by negotiations and brief ceasefires. Meanwhile, the lure of legitimation may be leading other one-time violent oppositions such as Uruguay's Tupamaros and Eire's Sinn Fein to become more peaceful participants in the political process.

Where is all this leading? Can solutions based on negotiations, ceasefires, and amnesties bring reconciliation where years of combat have not? Are governments towing Trojan horses within their walls? What psychological and group dynamics affect the negotiating process? What tactics can governments pursue? What are the limits of a "peace process" approach, and what are the possibilities of reordering along more peaceful lines societies that are prey to endemic violence?

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Governments have negotiated with violent oppositions for centuries past, and will no doubt continue to do so in the future. In medieval times it was often possible to buy out strong rebellious vassals with pardons and the offer of feudal privileges and sinecures--all accompanied by symbolic religious ceremonies. This parceling out of authority, of course, does not fit modern "rational" theories of state sovereignty, which makes resolution of conflicts more difficult. In the modern era no full-fledged insurgency has been ended by peaceful means alone, and small terrorist groups have required the use of police power as well as strategies of reconciliation.

To democratic governments facing intractable insurgencies, the appeal of the "peace process" approach is both rational and powerful. The give-and-take of negotiations fits the cultural ethos of democracy far better than violent measures. And since the negotiations are usually linked with a truce, they appear even more desirable.

At least four general observations can be made about the value of such an approach.

(1) Peaceful dealings (negotiations, ceasefires, amnesties) with insurgents can bring definite benefits, but are dangerous if governments are basically weak. One of the supposed "truths" in the counterinsurgent cupboard is that negotiations

with insurgents are always a mistake. In this view, they accord the violent opposition legitimacy roughly equivalent to that of the government. Insurgents' often extreme demands are non-negotiable, and no positive outcome can result. And ceasefires give insurgents the time to regroup and propagandize in order to fight better in the future. A ceasefire can be valuable for insurgent groups that suffer from fatigue, have been defeated in battle, and fear they are alienating a population weary of war.

Yet many persuasive arguments run counter to this negative view. A government offer to negotiate can exacerbate divisions within an insurgent group or between groups, weaken morale, and ultimately lead to a separate peace with major elements of a rebel coalition. And even though many insurgent demands may be non-negotiable, others may in the course of bargaining prove to be negotiable, to the benefit of reconciliation and, ultimately, of the government. Moreover, even though the ceasefires that accompany negotiations do not often last, and in fact frequently give way to intensified fighting, the temporary lapse in mayhem during ceasefires may lessen antagonistic feeling and help the economy. In rare instances, a successfully coordinated ceasefire can build trust between combatants, strengthening the hand of moderates on both sides. At the very least, a reasonable offer to negotiate can show the government's good will--and highlight the insurgents' intransigence if they refuse.

During negotiations and/or ceasefires, both sides have the opportunity to build strength. With their new-found legitimacy, insurgents can propagandize openly. They can also try to recruit and import weapons surreptitiously from abroad. And they can continue military operations but deny responsibility, thereby gaining some protection from government enforcement actions. But the negative aspects for insurgents of this let-up in pressure are very real. Insurgent unity often breaks down as radical groups defy the ceasefire framework to gun down their amnestied or negotiating former colleagues. Rank-and-file insurgents can easily become bored and lose their fighting edge. And going back into the hills to fight may appeal less and less to guerrillas who grow accustomed to a soft town life during truces. The insurgency also loses opportunities for gaining publicity through acts of derring-do.

Meanwhile, governments may themselves become divided over negotiations or ceasefires, as restive militaries press for a harder line and death-squads settle accounts. And the sovereign claims of the governments are temporarily open to doubt. But definite benefits accrue to the government side. The military can keep in shape as part of its normal training. Much intelligence can be collected about the insurgents'

identities, whereabouts, and politics during negotiations and ceasefires. Economic revival can undermine the rebels' appeal. Finally, to the extent that insurgent violations and intransigence cause ceasefires and negotiations to break down, the government can also win popular backing for a renewed, intensified effort to defeat insurgents militarily.

Three critical points:

-- Because the negotiations/ceasefire approach creates a fluid situation in which many political factors are in play and the stakes are hard to calculate, governments that adopt it without forethought may let the situation get out of hand. Clever insurgents may exploit weaknesses (e.g., a disaffected military) better during ceasefires than during fighting. Thus a government should not enter into negotiations or ceasefire unless it has specific plans for using the breathing spell to build up its own political and military strength relative to the insurgents'.

-- The precise terms of a ceasefire are obviously crucial. Insurgents may insist on being allowed to bear arms for protection, yet this demand may be a derogation of government authority unacceptable to the military. A possible compromise might be to allow insurgents to bear arms during truces, but only in designated zones they control anyway. Similarly, the establishment of verification centers to monitor a truce undercuts the legitimacy of government officials and is only sensible as an interim step leading to an early resolution of the conflict. And care must be devoted to ensuring that insurgents do not use a truce with the government to redirect violence at other targets--e.g., "traitors" to their cause. Conversely, the government can exploit a truce with one rebel group to step up military pressure on others. In fact, it may be forced to do so as insurgent groups not included in peace talks escalate violence to undermine a ceasefire.

-- Neither insurgents nor governments operate in a vacuum. It is the dynamic interaction between them that determines the outcome of the tactics either employs. To pursue a purely military or purely peaceful settlement is to deprive one's side of many advantages that derive from shifting tactics to outmaneuver the opposition. Thus an ever-changing mixture of skillfully tailored negotiations, ceasefires, and selective military offensives is to be preferred. The Venezuelan insurgency and the Huk rebellion were brought to peaceful conclusion by mixed tactics which led to both military and political defeat of the insurgents.

(2) Appropriately framed amnesties are virtually always worth trying. Amnesty is a useful piecemeal, undercutting tactic. The proclamation and implementation of an amnesty remind the public and insurgents that the government is the source of legitimate authority, and they create an impression of benevolent generosity. They demoralize insurgent rank-and-file and often lead to defections. In effect, serious amnesties exacerbate all the tensions that already exist within insurgent groups. They can be a source of precious intelligence, both from guerrillas coming down from the hills and from those in prison.

The use of amnesty (in essence, plea bargaining) with insurgents in jail deserves special attention, as the Italian experience with domestic terrorism shows. Imprisoned insurgents, aware that they are at the mercy of a government which can punish them harshly, have strong inducements to turn state's evidence in return for release or lightened sentences. It is a serious mistake to neglect this prime source of information. Indeed, as a rule, imprisoned insurgents who recant and provide information can well be amnestied--with appropriate measures to protect them or hide their identities after release--while those who refuse to talk (especially the charismatic types) should usually not be amnestied. They are, presumably, the hard core and will turn recidivist upon being set free. By releasing Fidel Castro from prison, for instance, the Batista government helped sign its own death warrant.

Two considerations:

-- While repentant insurgents can provide very helpful intelligence, its value tends to decline with time. Thus it is useful to set deadlines for amnesties and make the terms more restrictive when appropriate.

-- reintegration of amnestied insurgents into civil society is a major problem. One must protect them equally against their former colleagues and against anti-insurgent death squads. So changing identities and/or removing them to different parts of the country or abroad are advisable. In addition, providing amnestied guerrillas with a livelihood that can match the psychological thrills of their former profession is not easy. The expense of giving land to former insurgents to become peasants is not overwhelming, but farming may prove too dull for many. Imaginative suggestions such as offering former insurgent leaders governorships while integrating combatants into the army founder on the doctrine of state sovereignty. Moreover, most militaries are unlikely to accept their former enemies as comrades, although, as has been shown in the Philippines, amnestied insurgents may become

excellent instructors in counterinsurgency warfare. In special circumstances, amnestied guerrillas can be sent back to spy on their comrades, though this is a risky undertaking. Lastly and ironically, in Colombia some insurgents may themselves be meeting their psychological and financial needs by shifting from guerrilla warfare into narcotics trafficking.

While amnesties are invaluable tools, the use of general and more-or-less unconditional amnesties at any juncture other than as a final step to seal a settlement of a conflict is highly dangerous. Recidivists give renewed momentum to the insurgency. Militaries and police who have expended energy and lives in combatting and rounding up insurgents may not accept their release and will not work so eagerly in the future, while the public will doubt the legitimacy of a government which simply releases-without the excuse of plea-bargaining--individuals often guilty of murder, kidnapping, and the like. In fact, insurgents on the loose may well judge that a government seeking to resolve a conflict through a general amnesty coupled with an offer to negotiate a ceasefire is a weak government. The likely result will be a stiffening of insurgent resolve and demands. No modern insurgency has been ended by a general amnesty alone.

(3) Intensive analysis of the make-up and long-range goals of insurgent groups is essential before governments take action. Policies successful with one group may backfire with another.

While most insurgencies put forward "non-negotiable" demands, seeming intransigence often masks splits and softened demands that show up during negotiations. More important than the precise terms stated, often for propaganda effect, is the government's assessment of the unity and sticking-power of the insurgent leadership. In some cases, the biographies of battle-scared, ideologically inflexible leaders make it clear that serious negotiations for anything less than the government's surrender are out of the question. There is little sense in negotiating at all in these circumstances, except for public relations purposes.

Fragmentation of insurgent groups is a common and sticky problem. While slicing off some groups from an insurgency is useful, a collapse in insurgent unity has a downside. It can make negotiations less productive, as major elements compete with each other to disrupt ceasefires and win adherents, and as insurgent leaders lose the ability to deliver their followers. Governments must determine which insurgent leaders can and will make a deal that holds water, yet lack the dynamism and ambition that would make them charismatic leaders, and then sedulously and surreptitiously foster them. Meanwhile, governments often face disaffection--leading to death-squad activity

or even coups--in their own ranks as a "peace-process" unfolds. Thus a central concern before entering into serious negotiations must be to ensure that the government coalition is in reasonable repair.

Similarly, there is evidence that certain violent anti-government campaigns (Northern Ireland, Basque, and Cyprus) are not affected by government measures to improve the economic lot of those supporting the insurgency. In contrast, however, both logic and experience argue that well-targeted regional land reforms can undercut rural insurgents' appeal to deprived peasants. Or a government may conclude that, given a large and growing majority of the population living in urban settings, rural insurgency cannot threaten the regime unless it links up with urban unrest. The resulting policy may be to concentrate on urban reforms while letting the military fight the rural insurgents ad infintum.

Finally, because the act of negotiating confers legitimacy on a violent opposition, governments see little incentive to negotiate with small-scale insurgencies, although the rewards may be great. Negotiations with large-scale insurgencies may, in contrast, involve mere jockeying for tactical advantage. A careful look at the long-range prospects of the insurgency is in order. A key question: Will the group, of whatever size, come to represent a major, popular view? In that case, unless the leaders are intransigent, better to strike a deal when it is small than after it has grown.

(4) Attempts to find quick solutions to deep-rooted conflicts are often counterproductive. Violence will persist in some cases no matter what a government does.

In many countries grievances and antagonisms stretch back hundreds of years, often to a remote foreign conquest. It would be strange, indeed, if they would disappear overnight as a consequence of some political legerdemain. Although public and international opinion often pushes a government into negotiations, ceasefires, and amnesties, a sober view is needed of the very limited progress likely--and the real possibility that efforts to improve the situation may make it worse. In many cases serious negotiations cum ceasefire can trigger intensified violence by radicals on both sides with a vested interest in keeping the fighting going. And even seemingly successful resolutions to bloody conflicts can, years later, deteriorate into gradually mounting violence.

Yet governments need not despair, for three specific reasons:

-- insurgent groups, especially those that are not full-fledged armies conducting what is in fact civil war, are often fragile and prone to division. Thus repeated opportunities arise to win away disaffected adherents through amnesties and concessions. These may create a "sputtering" insurgency, unpleasant but less dangerous than a persistent one;

-- reasonably well-run governments can usually outmatch insurgents in firepower and at times inflict severe military defeats on them, again reducing them to nuisance level; and

-- political systems characterized by endemic violence are not necessarily impervious to change. In fact, various examples exist of the rerouting of a violent, repressive political system along peaceful democratic lines. The evolution of postwar West Germany and Japan and the many peaceful transitions from dictatorship to democracy in recent years are examples. While some of these cases followed major military defeat and others may prove reversible, they demonstrate that it is possible for at least some societies to turn from violent to peaceful pursuits.

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